



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

AUG 21 2018

Ms. Irene Gutierrez  
Natural Resources Defense  
Council  
111 Sutter Street, 21<sup>st</sup> Fl.  
San Francisco, CA 94104

**Re: Freedom of Information Act Request – EPA-HQ-2018-010465**

Dear Ms. Gutierrez:

This is in response to your request for a fee waiver and expedited processing, in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA) seeking the listed documents concerning OMEGA model.

We have reviewed your submission and based on the information provided, we are granting your request for a fee waiver. However, this fee waiver does not include a waiver of fees for records that are publicly available. The EPA Office of Air and Radiation (OAR) will respond to your information request for the Agency.

Your request for expedited processing was evaluated as to whether there is an urgency to inform the public about an actual or alleged Federal government activity by a person primarily engaged in disseminating information to the public and whether a lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Your request does not show that it was submitted by a person primarily engaged in disseminating information to the public. Your request also does not contain enough information to support a finding that a lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Therefore, I find that neither standard is met by your request, and your request for expedited processing is denied. This request will be processed as expeditiously as possible by the Office of Air and Radiation (OAR).

This letter concludes our response to your request a fee waiver and expedited processing.. You may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania

Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 5315, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

Should you choose to appeal this determination, please be sure to fully address all factors required by EPA's FOIA Regulations, located at 40 C.F.R. § 2.107(l), in your appeal. If you have any questions concerning this determination please contact me at (202) 566-1667.

If you have any questions concerning this determination please contact me at (202) 566-1667.

Sincerely,

Larry F. Gottesman  
Agency FOIA Officer